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EXAMINER

BOGART, MICHAEL G

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,755

Applicant(s)

MOLEE, KENNETH JOHN

Examiner

Michael G. Bogart

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10 and 16 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 11-15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

In the application as originally filed, there are two claims numbered claim 13. The claims have been renumbered in a consecutive manner following claim 13.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Buell (US 3,860,003).

Regarding claim 1, Buell teaches an absorbent garment (21) comprising:

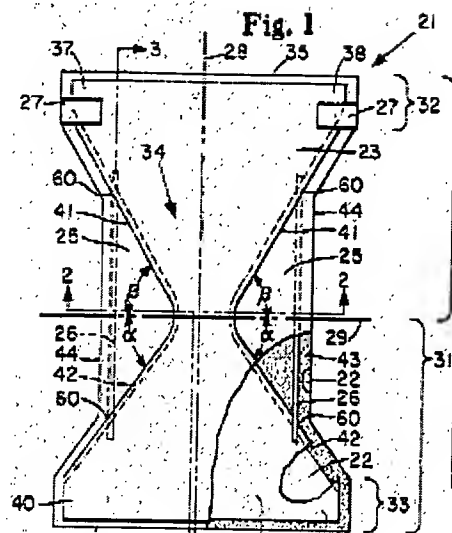
a main chassis (22, 23) having an attachment region (37, 38, 39, 40);

an absorbent portion (24) operatively associated with the main chassis at the attachment region (37, 38, 39, 40); and

an elastic portion (26) operatively associated with the main chassis,

wherein the attachment region (37, 38, 39, 40) is substantially inelastic prior to the absorbent portion (24) being operatively associated with the main chassis (22, 23)(see Figure 1, below).

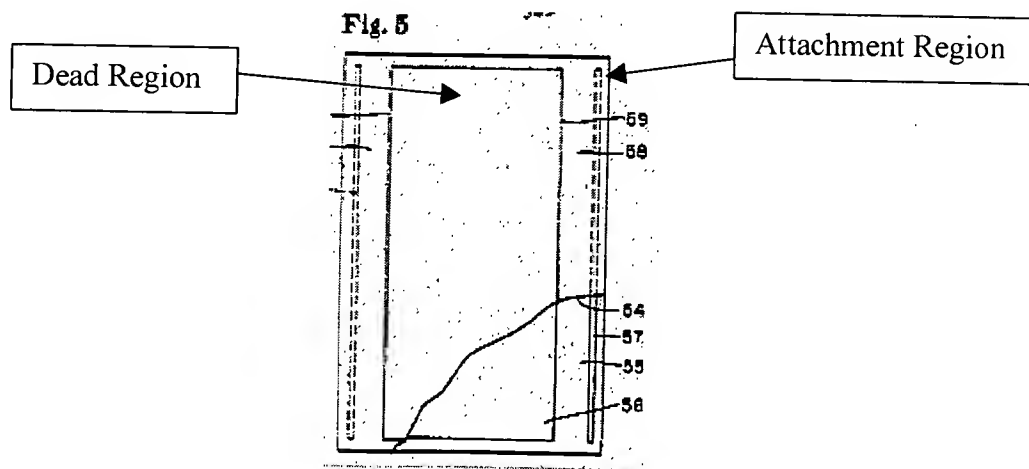
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Regarding claim 2, Buell teaches attachment regions (37, 38, 39, 40) comprising no elastic material.

Regarding claims 3 and 4, Buell teaches a main chassis (22, 23) comprising four dead regions (37, 38, 39, 40) comprising no elastic material at which the garment (21) the garment is attached to itself to create a wearable garment, each of the dead regions being located at one of the four garment joining regions (37, 38, 39, 40).

Regarding claim 5, Buell teaches an attachment region comprising a laminate having an elastic layer (57) and a substantially inelastic layer (55)(see Figure 5, below).



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Regarding claim 6, Buell teaches an attachment region comprising a first layer (23) of nonwoven material (column 6, line 64).

Regarding claim 9, Buell teaches a dead region which is substantially inelastic (*see* Figure 5, above).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claim 16 is rejected under 35 U.S.C. § 102(e) as being anticipated by Strand (US 2002/0052589 A1).

Strand teaches an absorbent garment main chassis, comprising:

a first carrier layer (1);

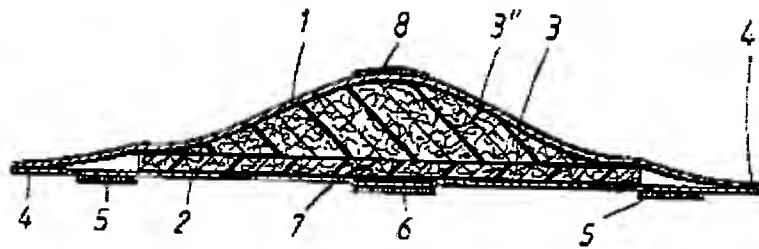
an elastic layer (2); and

a substantially inelastic layer (3),

wherein the elastic layer (2) is substantially equal in area to the first carrier layer (1),

the substantially inelastic layer (3) is smaller in area than the first carrier layer (1), and

the substantially inelastic layer (3) is selectively located to create areas of inelasticity (*see* Figure 10, below).



*Allowable Subject Matter*

Claims 7, 8, 11-15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 7 and 8, no art of record teaches and/or renders obvious an absorbent article having an attachment region comprising first and second layers of nonwoven material and an elastic and substantially inelastic material positioned between the layers of nonwoven material.

Regarding claims 11-15, no art of record teaches and/or renders obvious an absorbent article with a main chassis having an attachment region comprising a laminate having an elastic and substantially inelastic layer such that the elastic layer is substantially equal in area to the main chassis.

Regarding claims 17-20, no art of record teaches and/or renders obvious an absorbent article with a main chassis having first and second carrier layers, disposed between the carrier layers are an elastic layer substantially equal in area to the carrier layer and a substantially inelastic layer which is smaller in area to the first carrier layer.


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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (703) 605-1184. The examiner can normally be reached Monday-Friday.

In the event the examiner is not available, the examiner's supervisor, Weilun Lo may be reached at phone number (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0858.

  
Michael Bogart  
January 15, 2003

  
WEILUN LO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700